

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 -oOo-

4 UNITED STATES OF AMERICA, )

5 Plaintiff, )

6 v. )

CASE NO. 2:11-CR-298-KJD-VCF

7 )  
8 MARCELLA TRIANA )

**PROPOSED ORDER**

9 Defendant. )  
10 )  
11 )

12 **FINDINGS OF FACT**

13 Based on the Government's pending Unopposed Motion to Continue Sentencing, and  
14 good cause appearing therefore, the Court hereby finds that:

- 15 1. The parties are in agreement to continue the Sentencing date as presently scheduled.  
16 2. This Court is convinced that an adequate showing has been made that to deny this  
17 request for continuance, taking into account the exercise of due diligence, would deny  
18 the United States sufficient time to be able to effectively prepare for the co-  
19 conspirator and target trials and would bar the defendant from the opportunity to  
20 cooperate and potentially receive downward departures at the time of sentencing. This  
21 decision is based on the following findings:
- 22 a. The defendant agreed in her plea agreements to cooperate against her  
23 coconspirators in any related indictments and trials.
- 24 b. The United States agreed to consider downward sentencing concessions for  
25 the defendant's cooperation, including possible U.S.S.G. 5K1.1 Motions if  
26 substantial assistance resulted from such cooperation.

- 1 c. The United States anticipates several additional pleas, indictments and trials in  
2 related cases, but not sooner than 8 months from now. Specifically, the  
3 defendant may be called to testify in *United States v. Benzer et al.*, Case No.  
4 2:13-cr-00018-JCM-GWF.
- 5 d. The parties need additional time to prepare the defendant's cooperation  
6 against other co-conspirators and targets.
- 7 e. The defendant does not object to the continuance.
- 8 f. The defendant is out of custody.

9 3. For all the above-stated reasons, the ends of justice would best be served by  
10 continuing the Sentencing date.

11 4. The additional time requested by this Stipulation is excludable in computing the time  
12 within which the trial herein must commence pursuant to the Speedy Trial Act, 18  
13 U.S.C. Section 3161(h)(8)(A), considering the factors under 18 U.S.C. Sections  
14 3161(h)(8)(B)(I) and (v).

15  
16 **ORDER**

17 **IT IS THEREFORE ORDERED** that the Sentencing date currently set for September  
18 17, 2013, is vacated and is continued. This delay is excluded from the time within which the trial  
19 must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section  
20 3161(h)(7)(A). It is further ordered that the defendant's sentencing hearing is set for May 6,  
21 2014, at the hour of 9:00 a.m., in Courtroom # 6D.

22  
23 **DATED** this 24th day of June, 2013.

24  
25   
26 UNITED STATES DISTRICT JUDGE

1  
2 UNITED STATES DISTRICT COURT  
3 DISTRICT OF NEVADA

4 -oOo-

5 UNITED STATES OF AMERICA, )

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CASE NO. 2:11-CR-298-KJD-VCF

8 )  
9 MARCELLA TRIANA )

**CERTIFICATE OF SERVICE**

10 Defendant. )  
11 )  
12 )

13 I, the undersigned, hereby certify that this pleading was filed with the clerk of court via  
14 ECF and will be served electronically via ECF on all parties that have entered their appearances  
15 in this case.

16  
17 Dated: June 20<sup>th</sup>, 2013

18 JEFFREY H. KNOX  
19 Chief, U.S. Department of Justice  
20 Fraud Section, Criminal Division

21 /s/ Thomas B.W. Hall  
22 THOMAS B.W. HALL  
23 Trial Attorney, U.S. Dept. of Justice  
24 Criminal Division, Fraud Section  
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